

Hospitals and Physician Self-Referral Rules; Updates to the Long-Term Care Prospective Payment System; Updates to Certain IPPS-Excluded Hospitals; and Collection of Information Regarding Financial Relationships Between Hospitals; Correction" there were inadvertent errors that are identified and corrected in the Correction of Errors section of this correction notice.

On page 57543, there were errors in Tables 2 and 3B. In Table 2, for provider number 300005, we made a typographical error and included erroneous average hourly wage data for this provider. Therefore, in section II. of this correction notice, we have corrected the FY 2009 and 3-year average hourly wage data for this provider. In Table 3B, for the nonurban area of New Hampshire (CBSA 30), we inadvertently neglected to include the corrected

average hourly wage data and instead included the average hourly wage data from the FY 2009 inpatient prospective payment systems (IPPS) final rule (73 FR 48881). Therefore, in section II. of this correction notice, we have corrected the FY 2009 and 3-year average hourly wage data for this nonurban area. We note the corrections presented in this notice would subsequently correct the average hourly wage data errors in Tables 2 and 3B of the FY 2009 inpatient prospective payment systems (IPPS) final rule. We also note that the FY 2009 final rates published in the October 3, 2008 **Federal Register** (73 FR 57888) reflected the correct average hourly wage data for provider number 300005 and the nonurban area of New Hampshire (CBSA code 30); therefore the payment rates associated with this data are not being corrected.

## II. Correction of Errors

In FR Doc. E8–23082 of October 3, 2008 (73 FR 57541), make the following corrections:

1. On page 57543,

a. Bottom of the second column and the top of the third column, last and first partial paragraphs, item 1, in Table 2.—Hospital Case-Mix Indexes for Discharges Occurring in Federal Fiscal Year 2007; Hospital Wage Indexes for Federal Fiscal Year 2009; Hospital Average Hourly Wages for Federal Fiscal Years 2007 (2003 Wage Data), 2008 (2004 Wage Data), and 2009 (2005 Wage Data); and 3-Year Average of Hospital Average Hourly Wages, the FY 2009 average hourly wage and the 3-year average hourly wage for provider number 300005 are corrected to read as follows:

Provider No.	Average hourly wage FY 2009 <sup>1</sup>	Average hourly wage** (3 years)
300005 .....	28.8402	28.1813

b. Third column, first paragraph, item 2, Table 3B.—FY 2009 and 3-Year\* Average Hourly Wage for Rural Areas by

CBSA, the FY 2009 Average Hourly Wage and 3-Year Average Hourly wage

for the CBSA Code 30 are corrected to read as follows:

CBSA code	Nonurban area	FY 2009 average hourly wage	3-Year average hourly wage
30 .....	New Hampshire .....	33.2602	32.8266

## III. Waiver of Proposed Rulemaking and Delay in Effective Date

We do not consider this correction notice to constitute a rule under 5 U.S.C. 553(b). The notice corrects average hourly wage data based upon policies already adopted in the FY 2009 IPPS final rule. Nevertheless, even if this correction notice could be viewed as substantive rule for which a notice of proposed rulemaking and delayed effective date were necessary under sections 553(b) and 553(d) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b) and 553(d)), we can waive this notice and comment procedure and delay in effective date if the Secretary finds, for good cause, that such procedures are impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can

be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued. Therefore, we are waiving proposed rulemaking and the 30-day delayed effective date for the technical corrections in this notice. This notice merely corrects typographical errors in entries of two tables of the addendum of the FY 2009 IPPS final rule and does not make substantive changes to the policies or payment methodologies that were adopted in the final rule. In addition, this notice contains corrections to the average hourly wage data published in the October 3, 2008 **Federal Register** and does not make any changes to the final FY 2009 payment rates. As a result, this notice is intended to ensure that the FY 2009 IPPS final rule accurately reflects the policies adopted in the final rule. Therefore, we find that undertaking further notice and comment procedures to incorporate these corrections into the final rule or

delaying the effective date of these changes is unnecessary and contrary to the public interest.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: December 22, 2008.

**Ann C. Agnew,**

*Executive Secretary to the Department.*

[FR Doc. E8–31013 Filed 12–29–08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### 46 CFR Part 393

[Docket No. MARAD–2008–0096]

RIN 2133–AB70

### America's Marine Highway Program: Stay of Effectiveness

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Interim Final Rule: Stay of effectiveness.

**SUMMARY:** On October 9, 2008, this rulemaking was initially published. This rulemaking requires congressional review. Therefore, the Maritime Administration must stay the effectiveness of the regulations. The stay does not otherwise change the October 9, 2008, rulemaking specifically soliciting Marine Highway Corridor Recommendations and public comment on the proposed America's Marine Highways Program.

**DATES:** Effective December 30, 2008, 46 CFR part 393 is stayed until January 5, 2009.

*Comment Date:* At this time, the Maritime Administration is accepting recommendations on Marine Highway Corridors and public comment on the proposed America's Marine Highway program. We will be soliciting applications for specific Marine Highway Projects once a final rule has been issued. Comments are due on or before February 6, 2009.

**ADDRESSES:** You may submit comments [identified by DOT Docket Number MARAD-2008-0096] by any of the following methods:

- *Web Site:* <http://www.regulations.gov>. Follow the instructions for submitting comments on the electronic docket site.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Room PL-401, Washington, DC 20590-0001.
- *Hand Delivery:* Room PL-401 of the Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

*Instructions:* All submissions must include the agency name and docket number for this rulemaking. Note that all comments received will be posted without change to <http://www.regulations.gov> including any personal information provided. Please see the Privacy Act heading under Regulatory Notices.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to Room PL-401 of the Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Michael Gordon, Office of Intermodal System Development, Marine Highways

and Passenger Services, at (202) 366-5468, via e-mail at [michael.gordon@DOT.gov](mailto:michael.gordon@DOT.gov), or by writing to the Office of Marine Highways and Passenger Services, MAR-520, Suite W21-315, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

**Background**

The rulemaking adding 46 CFR part 393 was published on October 9, 2008 (73 FR 59530). Congestion is one of the single largest threats to America's economic prosperity and way of life. Overall, the Department of Transportation estimates that congestion on our roads, bridges, railways, and in certain ports costs the United States as much as \$200 billion a year and this figure will continue to grow. In addition to significant existing congestion, an increasing growth in trade will place even more demands on our capability to move freight and people through an already strained transportation network.

Over the next 15 years, experts project that cargoes moving through our ports will nearly double. Federal Highway Administration, "The Freight Story: A National Perspective on Enhancing Freight Transportation". Most of this additional cargo will ultimately move along our surface transportation corridors, many of which are already at or beyond capacity. Since 92 percent of all domestic freight currently moves on road and rail infrastructure, the implications of this growth are significant. U.S. Department of Transportation "Freight Analysis Framework".

The challenge we face is to use all transportation modes available to address the looming crisis. America's Marine Highway can be a viable alternative transportation mode. Expanding the Marine Highway can be cost effective and will require less new infrastructure than surface transportation alternatives, represents significant fuel savings, while offering a resilient and redundant means of transportation. The Marine Highway, consisting of more than 25,000 miles of inland, intracoastal, and coastal waterways, already transports about 1 billion tons of domestic cargo annually, and has considerable room to grow. U.S. Army Corps of Engineers, "Waterborne Commerce of the United States" (2005). The following is an example of the benefit the Marine Highway can offer. An East Coast container-on-barge operation that currently runs between Baltimore, MD, and Norfolk, VA, relieves the busy I-95 and I-64 corridors of almost 2,000 trucks every week. That is equal to 3 lanes of bumper-to-bumper trucks eight miles

long for about 1/3 the amount of fuel. Transporting freight by water has traditionally been used for the movement of bulk commodities such as coal, petroleum, grain, and lumber, yet growing freight congestion on certain highway Corridors, combined with innovative approaches, could encourage shippers to consider marine transportation for container cargo.

In many cases, the Marine Highway runs parallel to some of the most congested highway Corridors in the country. On September 10, 2007, the Department of Transportation announced six interstate routes as Corridors of the Future: I-95 from Florida to the Canadian border; I-70 in Missouri, Illinois, Indiana, and Ohio; I-15 in Arizona, Utah, Nevada, and California; I-5 in California, Oregon, and Washington, I-10 from California to Florida, and I-69 from Michigan to Texas. The designation of waterways along some of these and other clogged roadways and rail routes as Marine Highway Corridors could reduce congestion, pollution, and energy usage, increase freight system reliability, and improve the life of citizens who live in proximity to the highway.

The Secretary, in consultation with the EPA, will submit a Report to Congress by December 19, 2008. The report will include a description of the activities conducted under the program, and any recommendations for further legislative or administrative action that the Secretary of Transportation considers appropriate. For complete background and regulatory analysis, see the original document published October 9, 2008 (73 FR 59530).

**List of Subjects in 46 CFR Part 393**

Marine highway, Short sea transportation, Vessels.

■ Accordingly, the Maritime Administration amends 46 CFR part 393 as follows:

■ 1. The authority citation for part 393 continues to read as follows:

**Authority:** Energy Independence and Security Act of 2007, sections 1121, 1122, and 1123 of Public Law 110-140, approved December 19, 2007 (121 Stat. 1492).

**PART 393—[STAYED]**

■ 2. Effective December 30, 2008, part 393 is stayed until January 5, 2009.

By order of the Secretary.

Dated: December 22, 2008.

**Leonard Sutter,**

*Secretary, Maritime Administration.*

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